

Please reply to: **Fremont Office**

*Trump
Alioto
Trump &
Prescott*
ATTORNEYS LLP

October 4, 2010

Via U.S. Mail

Craig Whitenack, Civil Investigator
United States Environmental Protection Agency
Region IX, Southern California Field Office
600 Wilshire Avenue, Suite 1420
Los Angeles, California 90017

*Re: Supplemental Response to EPA CERCLA Section 104(e) Request for
Information: Yosemite Creek Superfund Site (October 15, 2009 -
Olympian Oil Co.)*

Dear Mr. Whitenack:

Upon receiving the August 24, 2010 letter from James Hanson re Follow Up Request for Information pertaining to the Yosemite Creek Superfund Removal Site, I spoke with Michael Massey to discuss the issues raised in the letter.

Following Mr. Massey's suggestions, and subject to, without waiving both the general and specific objections stated in Olympian Oil's initial response dated January 5, 2010, Olympian submits the following supplemental response:

**SUPPLEMENTAL RESPONSE TO OCTOBER 15, 2009 EPA
INFORMATION REQUESTS**

1. *Describe generally the nature of the business conducted by Respondent and identify the products manufactured, formulated, or prepared by Respondent throughout its history of operations.*

SUPPLEMENTAL RESPONSE:

Without waiving objections previously asserted, Olympian supplements its response to this request as follows:

2280 Union Street
San Francisco, CA 94123
(415) 563-7200
FAX (415) 346-0679

2201 Walnut Avenue, Ste. 200
Fremont, CA 94538
(510) 790-0900
FAX (510) 790-4856

Olympian Oil Company ("Olympian Oil") was founded in 1954 with its headquarters located at 35 South Linden Avenue, South San Francisco, California. It began as a wholesale distributor of gasoline products and over the years, expanded its business to include operation/ownership of gas stations in the San Francisco Bay Area with the "Olympian" name, as well as stations under the brand names such as Chevron and Unocal.

Beginning in or about 1998, Olympian Oil also had a fueling service that would refuel fleets at night.

In 1988, Olympian Oil created Commercial Fueling Network, which provided its participants transaction services that supported the operation of a network of automated dispensing equipment. Commercial Fueling Network became its own corporation and was sold to Fleetcor Technologies, Inc. in August 2003.

In July 2002 when Olympian Oil was sold to Nella Oil, Olympian Oil had 10 gas stations and 37 Commercial Fueling Network sites, accessible only with membership cards.

Olympian Oil did not manufacture, formulate or prepare any products. It had a Lube/Oil Department that would sell motor oil which was delivered to Olympian in 55-gallon drums on consignment by the following companies: AMSCO, a division of Union Oil Company, Shell Oil Company, Gulf Oil Company and Cato Oil & Grease Company. These companies would arrange for the disposition of the drums and in general, they would pick up the used drums from Olympian Oil.

There is no written record that Bay Area Drum Company (or its predecessors) ever picked up drums for reconditioning from Olympian Oil, or that Olympian Oil ever delivered drums to the Bay Area Drum site ("Bay Area Drum"). The only "evidence" DTSC had in support of its naming Olympian Oil a PRP was a statement made by Jack Hamilton, a former employee of Bay Area Drum Company (and/or its predecessors) and owner operator at Bay Area Drum. Mr. Hamilton was not under oath when he made the statement and in fact insisted that he "would leave if any lawyers were present." (See Exhibit "A" enclosed herein.) According to Mr. Hamilton, he recalled taking 50 drums every two weeks from Olympian Oil's Linden Avenue Plant between 1965 and 1970. This estimate was never corroborated or verified by any person or any document.

Olympian Oil's own records showed that it never had drums picked up and delivered to Bay Area Drum. The only Bay Area Drum connection Olympian Oil

was able to find was that it may have purchased reconditioned oil drums from Bay Area Drums. (See Declarations of Dennis Lowry and Joseph McDonald included in Olympian Oil's 104(e) Response dated January 5, 2010.) This is consistent with the one and only written record Bay Area Drum had of any relationship with Olympian Oil— a one-time, Friday, April 21¹ entry of a "salesman's daily report" showing Olympian Oil as a potential buyer. (See Exhibit "B" enclosed herein.) This confirms what Olympian Oil has always maintained, that is, the only contact it ever had with Bay Area Drum was to purchase drums.

Again, we want to emphasize that we are happy to continue to assist the EPA as appropriate, but as noted throughout, Olympian has not been able to locate any records of drums being picked up and/or delivered to the BAD site. If you have any questions regarding the supplemental response, please feel free to contact me. Thank you.

Very truly yours,

TRUMP, ALIOTO, TRUMP & PRESCOTT, LLP.



DAPHNE C. LIN

DCL:kp
Enclosures

cc: Nicholas van Aelstyn, Esq.
Michael Massey, Esq.
Client

1

If the time frame of 1965-1970 estimated by Mr. Hamilton and the DTSC is accurate, 1967 was the year when April 21 fell on a Friday. In other words, even if Olympian Oil had drums delivered to Bay Area Drum for reconditioning (which it categorically denies), the calculation of 6,000 drums based on 100 drums a month for 5 years, instead of 3 years, would be an exaggerated estimate. Moreover, even if we assume that 6,000 drums were delivered to Bay Area Drum from Olympian Oil, they only constituted less than 0.125% of the total drums sent to Bay Area Drum, making Olympian Oil's involvement particularly minimal.

EXHIBIT A



41 Sutter Street, Suite 1230
San Francisco, CA 94104
State License: PI 15237

CA 800.640.1611
USA 800.472.2345
Fax 800.253.0246

July 7, 1992

Monica Gan
SITE MITIGATION BRANCH
DEPARTMENT OF TOXIC SUBSTANCES CONTROL
700 Heinz Avenue
Building F
Berkeley, California 94710

Re: Bay Area Drum Site, San Francisco

Dear Ms. Gan:

It was a pleasure meeting with you again last Wednesday during our interview with Jack Hamilton. Pursuant to the request of the PRP Group at the above referenced Site, I am herewith sending you materials generated in the course of our investigation. Enclosed please find three attachments:

1. a summary of our interview with Jack Hamilton
(Attachment No. 1);

Each of these is described in greater detail below.

With respect to Attachment No. 1, on Wednesday, July 1, 1992, we interviewed Jack Hamilton at your offices in Berkeley. In attendance were myself, you, William Motmans of your office, and Steve Henshaw of Romic Chemical. As you know, Susan Bertken of the Toxics Legal Office was present initially, but soon left as Mr. Hamilton had stated that he would leave if any "lawyers" were present. Attachment No. 1 summarizes Mr. Hamilton's identification of additional PRPs who sent significant volumes of drums to the Site and have not yet been named by the Department of Toxic Substances Control.

Mr. Hamilton explained that he was employed as a truck driver at the Site for the Bedini group from approximately 1958 to 1965. His duties were to pick up drums from various companies and deliver them to the Site for reconditioning. Mr. Hamilton

Monica Gan
Department of Toxic Substances Control
BAY AREA DRUM SITE, SAN FRANCISCO
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continued to work as a driver at the site from 1965 to 1970 while the Myers Drum Company ran the operation, and also through 1972 after the Bedini group retook the operation. From 1972 through 1980, Mr. Hamilton operated as an independent jobber and regularly sold drums to the operators of the Site. In 1980 he joined with Dave Cannon to form Bay Area Drum Company, Inc. and worked there until his departure in 1983.

As you know, Mr. Hamilton had with him notes (which he would not let us see) that he said he'd prepared during May and June of 1992. He said he'd prepared them following an interview with Bill Motmans, at which Mr. Motmans had advised him to begin trying to recall and record as much data as possible about the Site.

As you no doubt recall, Mr. Hamilton did emphasize that the numbers he provided were his best estimates. Thus, I cannot, of course, vouch for the veracity of the numbers set forth in Attachment No. 1. Mr. Hamilton did say, though, that he believed that a joint interview with himself and Dave Cannon might produce more accurate estimates.

Monica Gan
Department of Toxic Substances Control
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Very truly yours,

A handwritten signature in dark ink, appearing to read "Nic Smith", with a stylized flourish extending from the end of the name.

Nic Smith
Project Director

NJS/gbg
Enclosures



NICHOLLS
INVESTIGATIVE AGENCY, INC.

41 Sutter Street, Suite 1230
San Francisco, CA 94104
State License: PI 15237

CA 800.640.1611
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Fax 800.253.0246

July 6, 1992

**BAY AREA DRUM
PRP Investigation
Jack Hamilton Interview**

The following is a list of customers at the Bay Area Drum Site who have not yet been named by DTSC as Potentially Responsible Parties.

Hamilton supplied this information, including the estimates of total number of drums sent to the Site, relative to the customers of BEDINI/MEYERS (1958-1970). Hamilton stated that the clients of BEDINI stayed as clients for MEYERS, so the totals remained the same. [NOTE: Those customers which did have differing volumes are noted on each individual account.]

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MEYERS CLIENTS EXCLUSIVELY 1965-1970

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24) OLYMPIA OIL COMPANY - SSF (Linden Avenue)

100 Drums a month
100x12x5

TOTAL DRUMS 6,000

EXHIBIT B

Time of Last Call

FIRM NAME	BUYERS NAME	CODE	TALKED ABOUT	AMOUNT OF ORDER	CODE
1. Lippman Oil	Dennis Lowrey		Using Western Good Size	100	S. SALE MADE (White order)
2.			Used Suburbs, 4798, 4799, 4800, 4801	100	C.S. COUPONS SOLD
3. Hill	Chal		Western 925 Super middle ground	100	P. PROMOTION SOLD
4.			5000 gals. Wm Consider, Louis	100	N. NEW CALL ACCT.
5.			Good call back 2 weeks	100	C. CALL BACK (Record date)
6. General Ink & Co.	Metric		Buying drivers at 1000	100	E. PROPOSAL SUBMITTED (Estimate)
7.			922 & 923, 924, 925	100	D. DEMO MADE (Record follow-up)
8. J. J. Thompson			10 gauge at 1000	100	J. TRIAL PLACED (Record follow-up)
9.			Can F. concrete	100	
10. J. H. Miller	Cloria		Call 250 CT To be picked	100	
11.			Ref. win to window at	100	
12.			Phone 190, 191, 192, 193, 194	100	Total No. of Sales Today _____
13. Super Soap	Dick Schwartz		Will take all filler 90-92 gal	100	Total Calls _____
14.			@ 225 They buy 92 uses CT.	100	Made _____
15. J. American Airlines (Mail)	Evelyn		Just told to understand	100	New Account _____
16.			will call me next time	100	Remarks Suggestions _____
17. O S Supply Service	Robert Johnson		Uses typers why will consider	100	
18.			CTO see call back again try	100	
19.				100	
20.				100	
21.				100	
22.				100	
TOTAL SALES					